

Ploughing & Cropping on Public Rights of Way Landowner Guidance

Introduction

Land managers should try to avoid ploughing any public right of way where possible but the law allows that in certain circumstances this is acceptable providing measures are taken to minimise the inconvenience to the public. This guidance note explains the rights and responsibilities of landowners and the public relating to ploughing and the cultivation of crops on rights of way.

There are two specific offences in relation to ploughing and cropping:

- 1) It is an offence to **plough** a public right of way without lawful authority or excuse so as to make it inconvenient for the use of the public.
- 2) It is an offence to allow any **crop** which has been sown or planted other than a grass crop, to grow on a public right of way so as to inconvenience the public or prevent the line of the route being apparent on the ground.

You must not plough or disturb the surface of any:

- field-edge right of way (headland footpaths or bridleways)
- Byway open to all traffic
- Restricted byway

Which rights of way may be ploughed or planted?

If you cannot avoid ploughing or disturbing the surface of a **cross-field footpath or bridleway** when sowing or cultivating a crop then the law allows this to be done on certain conditions. You must re-instate the path within fourteen days; it must be rolled and the line of the path delineated, so that it is apparent on the ground and it is reasonably convenient to use. If the surface of the path is subsequently disturbed on a second occasion, you must re-instate it within 24 hours, unless you have written authorisation from the Countryside Access Team at Shropshire Council.

The full width of the path must be kept clear of all crops, other than grass. You must also not allow crops other than grass, to overhang a Public Right of Way at any time as this would impact on its usable width.

When restoring or leaving space for a right of way in arable fields what width should I leave?

If the width of the path is recorded in the Definitive Statement, then that is the minimum width. If there is no width recorded then the minimum width will be:

Type of route	Minimum Width
Footpath – cross field	1.0m
Footpath - headland	1.5m
Bridleway – cross field	2.0m
Bridleway - headland	3.0m
Restricted byway or byway open to all traffic	3.0m

Crops such as oilseed rape and maize have the potential to further obstruct public Rights of way as they grow and in these instances it is advisable to leave a greater width than is normally required to allow for this.

Who is responsible for ensuring path is available?

If you are the occupier it is your responsibility to comply with the law, regardless of who carried out the work for you.

What can happen if I do not fulfil my responsibilities?

The Highway Authority will take action against you if you fail to keep Public Rights of Way on your land open and available for the use and enjoyment of the public. It can:

- Prosecute you and/or;
- Enter onto your land, carry out the works it thinks is necessary (to a legally defined maximum width) and recover the cost from you. A schedule of costs is available if required.

Please note any person can bring a prosecution against you if you fail to carry out your duties as stated above.

Where can I get more information?

If you need advice on the law relating Public Rights of Way across your land you should contact The Countryside Access Team at Shropshire Council.